

Tilton Beldner LLP

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626 RXR Plaza
Uniondale, NY 11556
Direct Tel.: (516) 262-3602
Fax: (516) 324-3170
jbeldner@tiltonbeldner.com

January 2, 2020

Via ECF

Hon. Judge Valerie Caproni
U.S. Magistrate Judge
U.S. District Court
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: Kirkpatrick Dunbar v. Samarpan, Inc. et al
Index No. 19-CV-8123

Dear Hon. Judge Caproni:

This office is co-counsel in our representation of Defendants Samarpan, Inc. ("Samarpan"), and E & W Realty, Inc. ("E & W"), in the above referenced matter. I am writing to respectfully request an adjournment of the Initial Pretrial Conference, which is currently scheduled for January 10, 2020, as well as an adjournment of the deadline to file the proposed case management plan and joint letter.

By way of background, Plaintiff commenced this action pursuant to the Americans with Disabilities Act ("ADA"), New York State Human Rights Law ("NYSHRL"), and New York City Human Rights Law ("NYCHRL"), alleging that he was denied full and equal access to, and enjoyment of a restaurant. The court directed the parties to meet and confer by December 20, 2019 in an attempt to settle the case. Despite our efforts, Plaintiff and Defendants have not been able to reach a settlement.

The reason for the adjournment request for is that for purposes of attempting to negotiate a global resolution to this case, our firm has represented both Defendants. However, if the case is to proceed to further litigation, there will likely be a conflict of interest between Defendants and we will not be capable of representing both. In order to avoid a potential conflict, we respectfully request the additional time so that we may address this issue with our clients. This is the first request for an adjournment of the Initial Pretrial Conference. Should this request be granted, no other future deadlines would be affected. I have spoken to Mr. Ismail Sinan Sekendiz, Esq.,

counsel for Plaintiff, and he does not object to this request. Counsel for Plaintiff and Defendants have conferred and are available on January 28, 29, 30, 31, 2020.

Thank you for your time and consideration regarding this matter.

Very truly yours,

/S/
Joshua Beldner

CC: VIA ECF
Counsel for all parties

The initial conference is adjourned to **January 31, 2020, at 10:00 A.M.** The parties' joint pre-conference submissions are due on or before **January 23, 2020.** Any motion for substitution of counsel must be filed promptly.

SO ORDERED.

Date: 01/02/2020



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE